

d) Remarks.

Claims 1-20 are currently pending.

Remarks regarding 35 U.S.C. § 102(b)

Claims 1, 8, 9, 11-15 and 17-20 stand rejected, under 35 U.S.C. § 102(b), as allegedly anticipated by Dooley et al. (U.S. Patent No. 5,942,440; "Dooley"). Applicant respectfully traverses this rejection.

It is alleged that Dooley teaches a system and method for detecting contaminants in a water supply. However, there is no explanation as to how Dooley anticipates the detection of chemical or biological agents that may pose a biological warfare or terrorism threat to the agricultural operation. Thus, for at least this reason, there can be no anticipation and this rejection is overcome.

Nevertheless, the examiner provided comments in response to Applicant's prior arguments. At pages 5-6 of the Office Action, the examiner states that: "*The contaminating agents that are taught by Dooley et al to be detected in the method for detecting contaminants in water supply systems are some of the same agents that applicants state are agents that may pose a biological warfare or terrorism threat.*" Thus it is the examiner's position that the contaminants from pollution are the same as chemical or biological agents that may pose a biological warfare or terrorism threat. Applicant respectfully disagrees.

There is clearly no disclosure or suggestion in Dooley of testing for agents that can be used for warfare or terrorism. There is also no reference provided by the examiner showing that Dooley's contaminants are the same as applicant's chemical and biological agents. The burden to provide that evidence is on the Patent Office. As none is provided, this rejection is overcome.

Furthermore, applicant respectfully asserts that one skilled in the art can distinguish between contaminants from pollution from chemical or biological agents that may pose a biological warfare or terrorism threat. For example, as compared to contaminants from pollution, chemical and biological agents of the claimed invention be would present at different

concentrations, in different forms and/or at different areas of the system. Such would be easily determined and distinguished from contaminants from pollution by those skilled in the art.

As Dooley does not anticipate or suggest the claimed invention, the rejection of claims 1, 8, 9, 11-15 and 17-20, under 35 U.S.C. § 102(b), is moot. Applicant respectfully requests that it be withdrawn.

Remarks regarding 35 U.S.C. § 103(a)

A. Claims 2 and 5 stand rejected, under 35 U.S.C. § 103(a), as allegedly obvious over Dooley. Applicant respectfully traverses this rejection.

Applicant respectfully incorporates all remarks made herein regarding Dooley. Accordingly, Dooley does not suggest applicant's claimed invention. The rejection of claims 2 and 5, under 35 U.S.C. § 103(a), is overcome and applicant respectfully requests that it be withdrawn.

B. Claims 1-4, 6, 7, 9-12, 15 and 16 stand rejected, under 35 U.S.C. § 103(a), as allegedly obvious over Lee et al. (U.S. Patent No. 5,789,183; "Lee"), in view of Hall et al. (U.S. Patent No. 6,751,576; "Hall"). Applicant respectfully traverses this rejection.

Lee is directed to monoclonal antibodies useful in the serological detection and identification of rice blasts. Hall is directed to a method of characterizing an agricultural product at a location. This combination does not suggest applicant's invention.

The claimed invention is directed to a methods and systems comprising sensors to detect biological warfare or terrorism threats from chemical or biological agent that enter the geographic area. Neither Lee or Hall disclose or suggest detection methods designed to detect biological warfare or terrorism threats. The combination with Hall is also inappropriate because Hall is directed to methods for characterizing the product – not the agricultural operation. Thus the combination would not, and indeed could not, suggest applicant's claimed invention.

Thus, the combination of Lee in view of Hall does not suggest applicant's claimed invention and the rejection of claims 1-4, 6, 7, 9-12, 15 and 16, under 35 U.S.C. § 103(a), is overcome. Applicant respectfully requests that this rejection be withdrawn.

Conclusion

The application is in condition for allowance and the prompt issuance of a Notice of Allowance is respectfully requested. If there are any additional fees due with the filing of this Response, not otherwise accounted for herein, including any fees for a further extension of time not accounted for herein, applicants respectfully request that extension and also request that any and all fees due be charged to Deposit Account No. **50-1682, referencing Attorney Docket No. 144590.00200.**

Respectfully submitted,
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